

1 Honorable Thomas S. Zilly
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 F.L.B., a minor, by and through his Next
Friend, Casey Trupin, et al.,

10 Plaintiffs,
11 v.

12 LORETTA E. LYNCH, Attorney General,
United States, et al.,

13 Defendants.
14

No. 2:14-cv-01026

DEFENDANTS' RESPONSE TO
PLAINTIFFS' MOTION FOR LEAVE
TO FILE A THIRD AMENDED
COMPLAINT

NOTE ON MOTION CALENDAR:
November 6, 2015

15 **DEFENDANTS' RESPONSE TO MOTION FOR LEAVE TO FILE THIRD
16 AMENDED COMPLAINT**

18 Defendants do not oppose Plaintiffs' Motion for Leave to File a Third Amended
19 Complaint, ECF No. 190. Defendants' non-opposition is not intended as a waiver of any
20 argument regarding the legal viability of any of Plaintiffs' proposed amendments. Defendants
21 instead plan to file a motion to dismiss the new claims and parties added in the Third
22 Amended Complaint if and when the Court grants Plaintiffs leave to amend.¹
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24 ¹ As an example, Defendants note, the Third Amended Complaint improperly adds U.S.
25 Citizenship and Immigration Services ("USCIS") as a Defendant, even though Plaintiffs have

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2 DATED: November 2, 2015
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4 Respectfully Submitted,
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8 Principal Deputy Assistant
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12 Deputy Assistant Attorney General
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14 WILLIAM C. PEACHEY
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21 *s/ Joseph A. Darrow*
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28 not alleged that USCIS violated any of the Plaintiffs' statutory or constitutional rights or even
29 owes any duty whatsoever to the Plaintiffs.
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31 DEFENDANTS' RESPONSE TO PLAINTIFFS'
32 MOTION FOR LEAVE TO FILE THIRD
33 AMENDED COMPLAINT - 2
34 Case No. 2:14-cv-01026

35 U.S. DEPARTMENT OF JUSTICE
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day of November 2, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all parties of record.

s/ Joseph A. Darrow
JOSEPH A. DARROW
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